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Strength in numbers: collaborating to support nonprofit advocacy

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Abstract

The focus of this research is to examine the current literature on the nature and level of nonprofit lobbying activity, as well as the barriers that keep that activity relatively low in most cases. It will also consider factors that impact whether a nonprofit organization's leadership chooses to engage in lobbying activity, what makes that activity successful, and how collaborations can support greater and more effective activity. This review will help to provide best practices and recommendations to nonprofit executives, leaders, and board members who are interested in being a part of critical policy conversations and influencing the overarching, systemic issues that impact their cause. It will also provide strategies for nonprofit associations and other collaborations to consider in developing ways to support greater nonprofit advocacy activity.

STRENGTH IN NUMBERS:
COLLABORATING TO SUPPORT NONPROFIT ADVOCACY

A Research Paper
Submitted
in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Emily J. Shields
University of Northern Iowa
August 2015

**STRENGTH IN NUMBERS:
COLLABORATING TO SUPPORT NONPROFIT ADVOCACY**

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Date

Dr. Rodney Dieser, chair

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Acknowledgements

It's entirely possible that I was not in my right mind when I applied to this program. I had been considering graduate school for a while, but had not settled on the right discipline or school and it certainly wasn't the right time. My son was just a year old and I was tired. My husband had just finished his master's degree that month and we needed a break.

Then I found this program. I thought it was perfect for me and for my goals, but I figured I would learn more and apply the next year. This was August and the program would start in just a few weeks, so surely it was too late. As I read more, I realized the program only takes cohorts every two years. I didn't know if I wanted to wait two years, but I was worried that I couldn't do it. One child was tough, but we wanted to have a second. How could I possibly manage school on top of pregnancy, a new baby, a toddler, and a full-time job? So, I did what anyone does in a tough situation: I called my mom. She told me that there would never be a good time to take this on; if I wanted to do it I should do it now. I applied, I was accepted, and within a few weeks I was a graduate student.

I did manage to have a second baby during the program and none of it would have happened without my mom's advice. She is, therefore, the first person I need to thank. The second, of course, is the partner who made it happen. When I told my husband that I had found a program that started in a few weeks he didn't even blink, he just said I should do it. For two years he has changed extra diapers, done extra bedtimes, given

more baths, and everything else I needed to find the time to go to class and study. He's the best thing that ever happened to me and I would be nothing without him.

I would also like to thank Dr. Dieser, Janelle Finke, and the entire faculty and staff who support this program. There are too few degree programs for the nonprofit field and this one is providing a valuable service for working professionals looking to advance their careers, scholarship, and learning. I also need to thank my cohort. This group provided support, humor, and insight throughout the last two years that made the experience much richer and more valuable.

Finally, I would like to thank my father, my mother-in-law, and the rest of our family; my work colleagues, my board, my friends, my neighbors, and my babies. All of these people make up the wonderful support network that made it possible for a working mom of two to keep learning and growing. I would also like to thank the Campus Compact national network for supporting my research and the scholars I referenced in this paper for their work.

Chapter 1 Introduction

Nonprofit organizations are unique in the United State's economy in their mission-driven approach to improving lives and impacting social issues. Many human services organizations work to do this through the provision of direct services to meet needs. This service provision is often effective in the immediate term, but does not happen in a vacuum. Larger societal issues, public policy decisions, and funding allocations impact the everyday lives of nonprofit employees and clients. For this reason, nonprofit organizations need to consider their role in both the formulation and execution of public policy in order to have a hope of truly impacting the issues they seek to change.

Nonprofit organizations may in many ways be uniquely positioned to impact public policy in critical ways. These organizations are often the closest connection to the most marginalized populations and have the best chance of truly understanding those population's needs and issues. They are also closer to the ground level of how policy is being implemented in the community and can therefore serve as important content experts for policymakers (MacIndoe & Whalen, 2013). Nonprofit organizations are also more likely to be considered a credible source on key issues because they do not a personal financial stake in the way that businesses often do.

Despite this imperative and unique position, research shows that organizations are not engaging in very much lobbying even within existing legal limits. Some studies have found levels as low as only 1.5% of organizations engaging in lobbying and others have found that numbers closer to 30% of organizations engaging in some level of lobbying (Andrews & Edwards, 2004; Berry, 2005; Chaves et al., 2004; Child & Gronbjerg, 2007; Gibelman & Kraft, 1996). Even in studies where this number is higher, it is often only the

most well-staffed and well-resourced organizations that are able to make a commitment to lobbying.

The nonprofit sector is growing at a rate twice that of businesses (Berry, 2005). Also, in recent decades, an increasing amount of government functions are provided through contracts with nonprofit organizations (Chaves, Stephens, and Galaskiewicz, 2004). This mutual reliance complicates and compels more engagement in policy and highlights the need for a reconsideration of the role nonprofits can play in policy formation. Given the size of the nonprofit sector and its involvement in service delivery connected to policy, it is important to discuss their involvement in the public sphere.

This study seeks to better understand the real and perceived barriers to nonprofit advocacy activity. It considers the current legal framework for nonprofit lobbying expenditures and whether confusion and fear leads to suppression. Other barriers are studied as well including sector and organizational factors. This includes a literature review of current research. Using this information, the study will look at the factors that make nonprofit advocacy most effective and how those factors can be supported through collaborations, associations, and other support organizations.

Purpose of the Study

The focus of this research is to examine the current literature on the nature and level of nonprofit lobbying activity, as well as the barriers that keep that activity relatively low in most cases. It will also consider factors that impact whether a nonprofit organization's leadership chooses to engage in lobbying activity, what makes that activity successful, and how collaborations can support greater and more effective activity. This review will help to provide best practices and recommendations to nonprofit executives,

leaders, and board members who are interested in being a part of critical policy conversations and influencing the overarching, systemic issues that impact their cause. It will also provide strategies for nonprofit associations and other collaborations to consider in developing ways to support greater nonprofit advocacy activity.

Research Questions

This research seeks to understand the current landscape of nonprofit lobbying activity. Examination of current research and literature on barriers and best practices is intended to help prepare nonprofit leaders to include this critical piece of the social change puzzle in their work. Specifically this study seeks to determine:

- To what extent are nonprofits today engaging in lobbying and what are the barriers to that activity?
- What factors contribute to successful nonprofit lobbying and how can those factors be supported and encouraged through collaborations and associations?

Significance of the Study

Nonprofit organizations can hardly hope to achieve successful social change in their area of expertise without engaging in lobbying activity at some level and with some success. Despite being the nation's fastest growing sector, nonprofits are perhaps the least represented in policy conversations (Moore, 2004). While Internal Revenue Service data suggests that lobbying occurs in as little as 2% of nonprofit organizations (Andrews & Edwards, 2004), business and trade association representatives dominate in Washington, DC with more than half of all lobbyists representing these interests (Baumgartner & Leech, 2001). Nonprofits are also less likely to hire lobbying firms; they represent only 7% of the clients of registered lobbyists (Baumgartner & Leech, 2001). Businesses and

trade associations also spend nine times as much as nonprofits and citizen groups on lobbying efforts (Baumgartner & Leech, 2001).

The statistics above are not surprising if you consider the real and significant barriers facing nonprofit organizations trying to successfully engage in lobbying efforts. These barriers need to be examined and categorized in order to be able to help nonprofit organizations engage with more frequency. There is also available research on the best practices that could help to make this lobbying more effective. It is not enough to simply engage in lobbying activity. If it is not targeted and based on well-researched methods, it will be less likely to succeed and more likely to be abandoned. Research can also provide insight into how organizations can work in concert and support greater sector efforts through collaborative work.

Limitations of the Study

This study is primarily limited by the lack of strong research in the area of nonprofit advocacy and lobbying. Much of the data available on the amount of advocacy activity is based on Internal Revenue Service reports, which represent only a small piece of the larger picture. Other data relies on self-reports of activity for which we do not always have a common language. Studies of barriers to lobbying have also been relatively small and geographically limited and most discovered further research questions that have not yet been studied. Much of the research on effective practice is also limited in that it focuses on national organizations engaged in significant activity. This makes such research less transferable to smaller, regional and local organizations that are engaging at lower levels. There is also limited research available about the role of

associations and collaborations in lobbying efforts and how those organizations might be able to encourage more activity.

Definitions of Terms

The following definitions are provided to assist the reader in understanding the concepts presented throughout this paper.

Advocacy: Any action taken to support a cause or an idea in the public sphere (Worth, 2012).

Associations: formal and informal coalitions of more than one nonprofit organization for a specific purpose. Also referred to as collaborations, alliances, and umbrella organizations.

Direct Lobbying: Activity of organizational representatives that involves direct contact with any elected official or their staff for the purpose of influencing specific legislation (Hopkins, 2005).

Grassroots Lobbying: Activity of organizations or their representatives that urges others to take specific action to contact elected officials and encourage them to support or oppose specific legislation (Hopkins, 2005).

H Election: Specifically the IRS section 501(h) election, this option provides a specific formula for the amount of lobbying expenditures allowed on a sliding scale according to budget size (Vernick, 1999).

No Substantial Part Test: Internal Revenue Service consideration in determining whether an organization's lobbying activity constitutes an insubstantial enough activity to allow them to receive tax-exempt status. The IRS has not specifically defined

“substantial,” but some courts have concluded that it means more than 5% of resources should go to this activity (Vernick, 1999).

Public charities: Organizations classified under the Internal Revenue Service section 501(c)3 (referred to in this paper as “nonprofits”).

Social welfare organizations: Organizations classified under the Internal Revenue Service section 501(c)(4) and unable to collect tax-deductible contributions. These organizations have fewer limits on their political and lobbying activities (Vernick, 1999).

Chapter 2 Literature Review

Introduction

In order to understand the current state of nonprofit lobbying activity, this section seeks to provide a review of research related to several topics, including the legal and regulatory framework, levels of lobbying practice, barriers, advantages, effective practice, and, finally, the role of associations and collaborations. These sections support each other in explaining the landscape of nonprofit lobbying. They paint a picture of a field that has not fully embraced this particular social change tactic and is in many ways hampered in doing so by regulations, fear, leadership issues, and funding sources. In the final section, we will examine the small amount of research that exists relative to support organizations, associations, and collaborations. This review will allow nonprofit leaders and policymakers to consider the imperative of nonprofit advocacy and consider steps for encouraging greater activity.

Legal and Regulatory Framework

A number of texts and articles seek to provide a comprehensive overview of the laws surrounding nonprofit advocacy and lobbying. Most of what this paper will cover concerns those organizations classified under section 501(c)(3) known as public charities or private foundations (Vernick, 1999). Public charities are the organizations typically thought of when people refer to “nonprofits” and generally provide some direct services to meet a social need. Unless otherwise specified, when “nonprofit organization” is used in this paper it refers to these public charities. Other types of organizations typically referred to in studies on nonprofit advocacy are “social welfare organizations” classified under section 501(c)(4). Unlike public charities, these organizations are not able to

collect tax-deductible contributions and therefore have fewer limits on their political and lobbying activities (Vernick, 1999).

Tax law for nonprofit organizations applies specifically to “lobbying”, which is only one tactic in the larger strategy of advocacy. Worth (2012) defines advocacy to include any “action taken in support of a cause or an idea,” (p. 353). Lobbying, however, has a very specific definition for tax purposes that it is important for organizations to understand. IRS regulations cover both direct lobbying and grassroots lobbying. Direct lobbying occurs when organizational representatives make contact with any elected official or their staff for the purpose of influencing specific legislation (Hopkins, 2005). Grassroots lobbying occurs when organizations urge others to contact elected officials to support or oppose specific legislation (Hopkins, 2005). In both cases, it is important to note that there must be an “attempt to influence” for either types of contact to be considered lobbying (Vernick, 1999). It is therefore not considered lobbying to provide general educational information on a topic, even if that topic involves pending legislation if there is no attempt to influence. Also, lobbying usually refers to influencing specific legislation, not simply in favor of a general cause.

IRS regulations do not ban lobbying activity, rather they place limits on it through the no substantial part test and H election. The “no substantial part test” means that the IRS will consider whether lobbying activity is a substantial part of an organization’s activity in determining whether that organization should have tax-exempt status (Vernick, 1999). The IRS fails, however to give a definition of “substantial.” Some courts have concluded that it means no more than 5% of resources should go to this activity but that has not been codified (Vernick, 1999). The other option available to charities, added in

1976, adds a more specific expenditure test that nonprofits can choose, known as the 501(h) election, or H election (Berry, 2005; Vernick, 1999). This option provides a specific formula for the amount of lobbying expenditures allowed on a sliding scale according to budget size (Vernick, 1999). Organizations who spend more than these limits on lobbying activities face excise taxes and the possible revocation of their nonprofit status (Hopkins, 2005).

The legal foundation for these restrictions includes the landmark case *Regan v. Taxation with Representation of Washington*. In this case, the Supreme Court found that tax deductibility constitutes a government subsidy and the government can therefore limit the activities it wishes to support (Galle, 2013). This case also demonstrated that the Court did not believe this restriction represented a limitation on free speech because organizations are free to set up separate 501(c)(4) organizations in order to engage in these activities to a greater degree (Galle, 2013). This case is of particular interest more recently given that the *Citizens United v. FEC* case seems to contradict at least part of this argument. In *Citizens United* the Court found that for a business, setting up a PAC in the form of a separate organization like a 501(c)(4) was a “burdensome alternative” (Galle, 2013, p.1571). This seems to suggest that the Court may now be open to cases challenging the feasibility of this alternative for nonprofit organizations.

The rules described above apply only to 501(c)(3) organizations, about which this paper is largely interested. Other organizations, such as those classified under 501(c)(4) have considerably greater flexibility to lobby since they do not have the ability to accept tax-deductible contributions (Vernick, 1999). This paper is also mostly concerned with lobbying and advocacy activity, not involvement in political campaigns. Federal tax law

does not allow nonprofit organizations to participate or intervene in any political campaign (Hopkins, 2005).

Lobbying Practice

Given these rules, it is important to start with an analysis of whether organizations are lobbying given these established, if murky, limits. Examining IRS data demonstrates that they largely are not. Between 1989 and 1998 only 1.2-1.5% of all 501(c)(3) organizations reported any lobbying expenditures (Andrews & Edwards, 2004). In a 2005 study, Berry found that 97.1% of organizations chose not to take H election and reported no lobbying expenditures. According to Chaves, et al. (2004) study of nonprofit organizations, of those surveyed between 1984 and 1994 only 23-29% said they engaged in lobbying. Child and Grønbjerg (2007) classified only 27% of the organizations they studied as advocacy organizations. Gibelman and Kraft (1996) also found limited activity and described what they did find as often “an ad hoc intervention, typically in response to specific adverse political threats to funding and services” (p. 44). The recent evaluative report of the national Campus Compact organization looked at State Director activity and also found limited levels, with 77% of survey respondents reporting that they had rarely or never engaged in advocacy activity in the last 12 months (Iowa Campus Compact, 2014).

A few more recent studies have found promising higher levels of lobbying activity, however. In 2013, MacIndoe and Whalen found that about half of the organizations they researched participated in policy advocacy. Some have called these more recent levels an advocacy explosion that is tipping the scales back toward once marginalized voices in the public policy process, but as Jenkins (2006) points out, there

has been an increase in advocacy overall and nonprofits still represent a relatively small percentage of lobbying organizations.

When organizations do lobby, studies have found that most do so in their own organizational self-interest, rather than on behalf of the larger causes of their clients and issues (Ballasiano & Chandler, 2010). These issues can be difficult to separate, however. An organization may seem to be lobbying in their own self-interest when they seek to increase funding, but funding increases also directly impact the lives of their clients and causes (LeRoux & Goerdel, 2009).

Barriers to Lobbying

It is clear that most non-profits are not lobbying even within existing legal limits, but it is less clear why. A number of studies have attempted to identify the factors that effect whether an organization chooses to employ an advocacy strategy. Given the relative complexity of the rules on lobbying and the lack of clarity on definitions and limits, perceptions about whether they are allowed to lobby appears to be a major barrier for many nonprofit leaders. Taliaferro (2013) found that “perceived ambiguity in the rules seemed to be at the crux of the lack of lobbying in the sector” (p. 126). Leaders in that study in fact demonstrated quite a bit of discomfort with just the word lobbying. Even when they acknowledged participation in lobbying activities, they did not want to use the word for fear of harming their image. Staff in another study had similar sentiments and preferred to call this work education or awareness, mostly because they viewed for-profit lobbying as a corrupt endeavor (Taliaferro & Rugiano, 2013). This study also found that the negative perception of lobbying was a strong deterrent to action (Taliaferro & Rugiano, 2013). These examples demonstrate that some nonprofit leaders

understand the benefits of the process, but fear or perception can hold them back from taking overt action.

Berry (2005) also found that existing laws have a chilling effect and lead to a lot of confusion and misperception. This could also be related to a lack of quality, timely information on the law. The IRS took 14 years to implement the H election and provide guidance on how it could be used and still has not taken any steps to promote it (Berry, 2005). Indeed most of this confusion seems to come into play when organizations are classified under 501(c)(3). The odds of lobbying decrease by half for organizations with this designation (Child & Grønbjerg, 2007).

Another factor that seems to correlate with the amount an organization engages in advocacy is the field in which it is situated. A number of studies have shown that different fields have more of a culture of lobbying. In their 2007 study of Indiana nonprofits, Child and Grønbjerg found that environmental, animal, and health-related organizations were most likely to lobby. Similarly, in their 2007 study of California nonprofits, Suárez and Hwang found that environmental groups, rights groups, public education groups, and hospitals were more likely to lobby than other fields. They also found that religious and human services organizations were the least likely to participate in lobbying activities.

There are few studies that have gone a step further to try and determine why certain sectors and industries would have more lobbying activity. While sector competition could be a reason for increased lobbying amongst health-related organizations, that does not seem to hold true across other fields that also face significant for-profit sector competition such as colleges and universities and housing development

organizations (Suárez & Hwang, 2007; Iowa Campus Compact, 2004). LeRoux and Goerdel (2009) specifically studied how competition impacts lobbying and found mixed results. To some extent a competitive environment actually reduced lobbying as organizations focused on their core services. However, in hypercompetitive environments, there was a correlation to increased lobbying. It may also be that certain fields, like environmental organizations, have less ability to impact their causes without lobbying activity, but this was not studied. MacIndoe and Whalen (2013) also considered the difference between nonprofit organizations that serve more specialized populations and those that serve more general audiences. They found that specialist organizations were more likely to engage in lobbying, mostly due to their more difficult resource environments and the need to advocate for additional support.

To understand barriers, it is important to understand that lobbying is not free. It requires planning, staff time, and other resources to effectively reach and influence policymakers. Lobbying has also become more formalized in recent decades, which is a barrier for small organizations that don't have the staff and resources to develop a professional advocacy program (Suárez & Hwang, 2007). Child and Grønberg (2007) found a positive correlation between staff size and lobbying, meaning that organizations with a larger staff were more likely to lobby. They also found that organizations with more technology available to them were more likely to lobby. This could be because online and email technology can greatly improve and streamline grassroots lobbying activities in particular.

Other studies also found that those with more resources in staff and budget were more likely to engage in advocacy and those with the most activity have budgets of more

than \$1 million, at least 10 employees, and funding for advocacy (Donaldson, 2008). These findings also align with Galle's 2013 research demonstrating that trying to provide services and lobby at the same time creates diseconomies of scope for organizations given that they are such different activities. Many nonprofits are also hindered by short-term funding sources that do not easily align with a long-term advocacy agenda (Onyx, Dalton, Melville, Casey, & Banks, 2008). Many of these factors were also found to be the most critical for state directors in the 2014 Iowa Campus Compact evaluative report. Lack of time was the most commonly recognized barrier reported, with lack of financial resources also cited (Iowa Campus Compact, 2014). This report, however, also showed that a lack of clear goals for advocacy activity was also a strong barrier. This barrier does not seem to have been examined in other available research.

Organizational leadership is another critical factor in whether or not lobbying occurs in nonprofit organizations. One study found a significant correlation between leadership and advocacy with 63% of organizations stating that executive director and staff support for lobbying was the single most important factor in whether they lobby (Donaldson, 2008). This study also showed that board support is important. Executive directors have been found to be more likely to initiate discussions of a lobbying strategy than boards (Taliaferro, 2013). Taliaferro (2013) theorized that this could be related to the relatively recent professionalization of nonprofit boards of directors and increased focus on fundraising. Board members are now more likely to come from fields such as business and finance and have less familiarity with the nonprofit's cause and therefore less comfortable with lobbying on policy issues. Some board members hesitate for fear that lobbying will alienate them or the organization from potential donors and community

leaders (Taliaferro, 2013). Limited experience with lobbying and knowledge of strategies and tactics can also be a barrier for many nonprofits (Taliaferro & Ruggiano, 2013).

These issues also surfaced in the Campus Compact evaluation. Directors who had been in their positions for longer amounts of time were more likely to lobby more frequently (Iowa Campus Compact, 2014). Directors in this report also reported that while they did not fear board backlash, they also did not perceive strong board support. In their 2009 study, LeRoux and Goerdel also found a strong correlation between relevant board expertise and greater advocacy activity, however, the results were highly dependent on the type of expertise board members possessed. They found that boards with elected officials tended to have less lobbying activity and boards with registered lobbyists or other experts in policy advocacy tended to have more lobbying activity (LeRoux & Goerdel, 2009). Here again, fear of backlash seems to be at play, as other board members may fear angering elected officials if an adopted position is contrary to their positions. Fear of backlash or the perception of others was also found in Taliaferro and Ruggiano's 2013 study. They found that fear of that negative perception was a key reason nonprofits chose not to lobby.

Perhaps the factor that has received the most study and scrutiny is whether government funding impacts nonprofit lobbying. While most government grants prohibit the use of government funding on lobbying activities, they do not regulate how the organization can spend other private funds. This has been challenged relatively recently through efforts such as the Istook amendment in 1995 which sought to prevent any nonprofit with any amount of government funding from spending more than 5% of its total budget on advocacy (Gibelman & Kraft, 1996). There are actually few examples of

legal action being take against nonprofits that engage in lobbying and receive government funding, but it is common for leaders to believe this is the case and choose not to lobby out of fear of losing resources (Chaves, et al., 2004).

In their 2004 study, Chaves, et al. identified two suppression paths by which government funding impacts nonprofit lobbying: 1) resource dependence and the accompanying fear of punishment; 2) bureaucratization that follows receipt of government funding and inevitably directs resources away from lobbying. The first path is related to the perceptions already discussed above. The second path is less direct and has to do with the resources required to administer government grants and programs. These requirements often require nonprofits to professionalize their boards and put more of their resources into program management, leaving less for activities like lobbying (Chaves, et al., 2004). Conversely, for some organizations, greater professionalization leads to greater lobbying activity because they are more prepared to handle related regulations and track time and funding allocations as needed for the H election (MacIndoe & Whalen, 2013).

Studies looking at the impact of government funding on lobbying activity are mixed in their findings. Some studies found a significant correlation between government funding and amount of lobbying, even finding that as government funding goes up for an organization, so does the amount of lobbying activity (LeRoux & Goerdel, 2009). Chaves, et al. (2004) also looked at whether increased government funding could actually encourage lobbying since organizations with government funding must fight for resources. What they found in their longitudinal study of Minneapolis-St. Paul nonprofit organizations was that the mechanisms of government funding studied either balance or

there is a tendency for government funding to mean more lobbying (Chaves, et al., 2004). Donaldson (2008) found a positive correlation between percentage of local government funding and advocacy, however, in more in-depth interviews, found that no agencies said government funding was what led them to engage in more lobbying. Another study found that government grants did not show a positive or negative correlation with lobbying activity (Suárez & Hwang, 2007). Child and Grønbjerg (2007) also found no correlation between government funding and amount of lobbying, however, they took it a step further and found that when organizations received more than 50% of their total funding from government there was a significant negative affect. They concluded that while more research is needed “substantial amounts of government funding may stifle advocacy” (Child & Grønbjerg, 2007, p. 276). MacIndoe and Whalen (2013) had the opposite finding. In their study, organizations with government funding as their largest revenue source were twice as likely to lobby.

Advantages of Lobbying

Having considered many of the factors that may impact whether a nonprofit organization lobbies, we also must consider whether it is important that they do. Most of the studies on this topic made similar arguments on this point. Nonprofits are the only organizations that represent the broader public interest and are different from business and trade lobbying organizations that represent private interests (Jenkins, 2006). Some studies also cite the declining civic engagement of the population as a whole as a reason for the nonprofit sector to step in and encourage their followers and clients, who otherwise might not engage (Berry, 2005). Others argue that nonprofit organizations have unique characteristics that make the particularly adept in the policy arena. Nonprofit

staffs have the ability to use their front line work to bring authentic stories and experiences to the debate (Gibelman & Kraft, 1996). Nonprofit leaders can also make “particularly knowledgeable lobbyists” with a “built-in grassroots constituency” (Galle, 2013, 1607-1608). Nonprofit staffs are also heavily involved in policy implementation and can use that knowledge to provide a different perspective on how laws are really impacting lives (MacIndoe & Whalen, 2013). These organizations may also have the power to change how public issues are perceived, and this change in perception can be the catalyst for policy change (Vaughan & Arsenault, 2008).

Nonprofits may be motivated to lobby by their own self-interest due to competition across sectors or social change related to mission (Suárez & Hwang, 2007). Advocacy can result in increased funding resources and changes to policies that can positively or negatively impact nonprofit operations (MacIndoe & Whalen, 2013). While this self-interest advocacy is important, it is this second motivation most seem to believe makes nonprofit advocacy critical. Nelson, et al. (2007) asserted that lobbying is critical to systemic changes and solutions. Others believe that despite barriers and misconceptions, nonprofit organizations need to put the interests of populations ahead of their own self-preservation and fear and be a voice for the marginalized (Taliaferro, 2013). Indeed, nonprofit leaders seem to agree and, despite their reservations, understand the importance of systems change and lobbying to create long-term solutions (Taliaferro, 2013).

Effective Lobbying

Given this information and the importance that they act how can nonprofits, particularly smaller 501(c)(3) organizations, be effective in their lobbying efforts? Most

nonprofits that lobby do it with minimal resources (Child & Grønbjerg, 2007). Few nonprofit organizations even have staff dedicated to advocacy beyond the executive director (Taliaferro, 2013). Nonprofit organizations can work around these challenges with a variety of strategies, including the coordinated involvement of their stakeholders. Planning is critical and a high degree of consensus is needed on a small number of priorities (Gibelman & Kraft, 1996; Rees, 1999). Organizations can also leverage relationships between board members and lawmakers and gather information and deliver messages through them (Taliaferro, 2013). In order for this to be successful, board members need to be trained in the relevant laws and strategies needed for advocacy (Taliaferro, 2013). At times it might be most effective for organizations to look for opportunities to serve on committees and otherwise provide input during the policy development process (Onyx et al., 2008).

One option available to some organizations is to hire professional lobbyists to supplement efforts. Business and trade association representatives often employ this tactic. More than half of all registered federal lobbyists represent these interests (Baumgartner & Leech, 2001). Nonprofits are less likely to be able to afford this strategy. They represent only 7% of the clients of registered lobbyists (Baumgartner & Leech, 2001). While hiring professionals can be helpful in navigating processes, it can cause the message seem less authentic (Gibelman & Kraft, 1996). It can also be prohibitively expensive for organizations unable to find professionals willing to provide “pro-bono” services.

Whatever tactics they choose, Rees (1999) found that the most successful organizations serve as a source of credible information for lawmakers, educate voters

who care about their issues, and develop long-term relationships. This is an area where the trend of increased government reliance on nonprofits to deliver services and increased nonprofit reliance on government funding can provide important in-roads for effective lobbying. This higher degree of interdependence can allow for trusting, reciprocal relationships to be built (Mosley, 2013). Nonprofit organizations should work to keep lines of communication open to avoid skepticism about their lobbying efforts (Mosley, 2013).

In order to truly practice effective lobbying, organizations need to be able to plan for it and measure its success. Jenkins (2006) points to four major steps for effective advocacy: 1) successfully getting an issue on the agenda of policymakers; 2) getting favorable votes and decisions on the issue; 3) guiding the implementation of these decisions; and 4) ensuring that implementation leads to the desired social outcomes. In the era of more outcome-oriented philanthropy, organizations have to be able to demonstrate the results of their advocacy activities. Gill and Freedman (2014) offer an approach to measuring advocacy success in stages. Using the metaphor of climbing the mountain, they suggest that organizations move through stages including surveying, preparing, staging, reaching milestones, and attaining goals (Gill and Freedman, 2014). At each stage they suggest ways of measuring the indicators of success in order to know whether activities are effective and be able to change course when necessary.

As Berry suggested in his seminal 1977 book, nonprofit organizations need to be able to focus limited resources and fit their strategies and tactics to their causes. He suggested the consideration of both insider and outsider tactics. Insider tactics involve engaging with the process of policymaking in a cooperative way through lobbying,

testifying, and other action to engage in the process (Berry, 1977). Outsider tactics are often more confrontational and sometimes rely on public pressure and embarrassment including lawsuits, protests, media campaigns, and petitions (Berry, 1977). Gill and Freedman (2014) suggest that it is a myth that either one of these strategies is the only one that can achieve success. Nonprofit organizations have been able to impact their causes using both movement-style grassroots campaigns and top-to-bottom insider strategies. For either strategy, however, it is important that issues and strategies are at least partially client-driven (Mosley, 2013).

Nonprofits can also maximize their reach by using technology (Gibelman & Kraft, 1996). One particular outsider tactic that is gaining more traction in recent years is the use of social media. These communication tools can prove to be a low-cost means of calling for action, which can help to level the playing field for nonprofit organizations that tend to have fewer resources than other types of organizations. In their 2014 study, Guo and Saxton found that 93% of nonprofit organizations were already utilizing social media in some capacity. However, they also found that most messages were not being used as a tactic for advocacy. They suggest using social media as a means to reach out to potential supporters and stakeholders, provide information on related issues, and then call supporters to action (Guo & Saxton, 2014). They also caution against too many calls to action as that may turn off followers.

Associations and Collaborations

Another critical factor in whether nonprofit organizations choose to and have the capacity to lobby is their involvement with coalitions, membership organizations, or other umbrella groups that provide leadership on advocacy issues. Mutual benefit

organizations are associations incorporated to serve member interests, make up more than 30% of registered nonprofits (Tschirhart, 2006). For the purpose of this study, associations are coalitions of more than one nonprofit organization. Studies have demonstrated that being a part of coalitions and alliances can be a strong factor in advocacy success (Gibelman & Kraft, 1996; LeRoux & Goerdel, 2009; Rees, 1999). In fact, Berry (2005) asserted that leadership organizations like these coalitions and umbrella groups must take the lead to educate other nonprofits about lobbying and advocacy.

Donaldson (2008) studied lobbying in the nonprofit sector of Washington, DC and found that membership in coalitions was a significant factor in whether organizations engaged. Membership in national organizations often means that professional staff based in Washington set the agenda and provide communication materials that organizations can use locally to guide their efforts (Taliaferro, 2013). A study of characteristics of the most influential organizations found that they all had a strong DC presence, which is something a national coalition can provide for locally based nonprofits (Rees, 1999). National organizations are also mutually dependent on local organizations, where more action is being encouraged to respond to the decentralization of policy decision-making (Gibelman & Kraft, 1996).

Associations can provide power, access, and a higher profile than would be possibly for most small, individual organizations (Ballasiano & Chandler, 2010). By banding together, organizations can find efficiencies that allow their limited resources to have a greater impact (Ballasiano & Chandler, 2010). Associations can also serve to

spread the perception of risk among organizations so that individual nonprofits feel safer about participating in the policy process (LeRoux & Goerdel, 2009).

Associations seem to find the most success when they are able to facilitate the building of relationships between nonprofit organizations and when they can clearly identify the common values and agenda of their members (Ballasiano & Chandler, 2010). This occurs mostly on issues of direct self-interest to those members and not necessarily more overarching social causes. Berry (1977) suggested several models for policy coalitions including dependent coalitions with one dominant convening organization; participatory coalitions with shared leadership, but still one organization staffing; and independent coalitions, which have their own staff and resources. In the Campus Compact evaluation, most directors cited a national agenda, regular policy updates, and materials to aid in communication as factors that would encourage more lobbying activity (Iowa Campus Compact, 2014).

Given that strength often does come in numbers, effective advocacy requires skills in brokering consensus (LeRoux & Goerdel, 2009). This is another area where a coalition can provide support given that the process of creating consensus can be guided by a more neutral support organization. This can be accomplished through what LeRoux and Goerdel (2009) call “collaborative networking” (p. 516). Nonprofit coalitions are likely to be skilled in this area because many are already using it as a strategy for reducing costs and other needs. These skills transfer well to the policy-making arena and can be an asset to successful advocacy work and, in fact, can have a positive correlation to increased advocacy activity (LeRoux & Goerdel, 2009).

Chapter 3 Analysis and Recommendations

Introduction

The previous chapter reviewed relevant recent studies on nonprofit advocacy and lobbying regulations, levels, practice, barriers, advantages, best practices, and the role of associations. This section will analyze this information and synthesize it into recommendations for practice and considerations for future study. This will be done, in part, through a specific case study of the Campus Compact organization. A recent survey and evaluative report by this organization demonstrated challenges in line with much of the research on nonprofit advocacy. This research will be used to suggest how this organization and others could support greater lobbying activity and more effective practice. This section will also recommend future research.

Campus Compact Case Study

Iowa Campus Compact is a statewide coalition of nonprofit colleges and universities committed to promoting the public purpose of higher education through civic engagement, community service, and service-learning. This state office is a part of a larger national coalition with a national office and offices in 34 other states. Most state offices are classified as 501(c)(3) organizations or embedded in nonprofit colleges and universities. Traditionally, the organization has not engaged in significant lobbying efforts and in looking at what has been found in the studies reviewed above, it is clear why.

While Campus Compact is a rather large organization in terms of membership with 1,200 college and university members, it is not large in terms of staff. The national office has only six staff and most states have between one and ten. The Iowa office has

only three full-time staff, one of which is an AmeriCorps VISTA volunteer with restricted responsibilities. This resource issue significantly limits the organization's ability to effectively lobby. Even states that have attempted to implement advocacy campaigns have done so without any staff dedicated to those efforts full time, as is the case with the other nonprofits studied. While some studies found that national umbrella organizations can be the key to encouraging more lobbying that is difficult to realize when the national office does not have the staff to set agendas and develop materials.

Recently, the organization has undertaken efforts to encourage more lobbying amongst affiliated state offices and member campuses. Whether a state is engaged in lobbying efforts is largely dependent on the leadership of the director. In states where the director is comfortable and has experience with lobbying and is motivated to engage, there is a more advocacy activity than in states where that is not the case. Many state directors have a discomfort with lobbying as was described in several studies. Some of this is related to a lack of understanding about the law governing their organizations. Some of it is also related to a lack of familiarity with the process of lobbying and intimidation. There is a lack of available research on these more personal factors that may influence lobbying. Directors are also more likely to initiate lobbying efforts than boards. In some cases, state Campus Compact boards have been hesitant to take positions on specific issues.

Most of the Campus Compact state affiliates receive government funding, which was another factor that some studies found impacted nonprofit lobbying activity. In Campus Compact's case, the impact has been as varied as the studies suggest. Many state affiliates receive funding through the Corporation for National and Community Service

for AmeriCorps and VISTA programming. This funding has been repeatedly threatened in recent years and, in fact, one of the main grant programs on which many state offices relied was eliminated in 2010. This experience led many of state offices to begin an advocacy program in order to defend and support critical federal funding sources. On the other hand, nonprofit organizations that receive federal funding are not allowed to spend any of it on lobbying. These regulations have suppressed activity in some states where there is a fear of backlash, even if they are using other funds for lobbying activities.

Finally, the sector in which the Campus Compact organization operates may also be a factor in lobbying levels. While the higher education sector relies on government support, faces for-profit competition, and promotes social change, at least one study showed that this did not make colleges and universities more likely to lobby. Many of the higher education institutions that are members of Campus Compact are engaged in lobbying at the state and federal level through paid staff, outside lobbyists, or involvement in other statewide and national coalitions. Most of this lobbying is related specifically to self-interest issues such as funding and regulations. Campus Compact, on the other hand, is more interested in broader social change issues and this seems to be of less interest to our members in terms of lobbying activity.

While currently exhibiting relatively low levels of advocacy activity, the Campus Compact network appears to be in a strong position moving forward to increase those efforts. Given that the most recent strategic plan does not explicitly reference advocacy, it seems important to first engage in a process of determining the level of priority and goals of an advocacy program. This should involve board and member engagement that will

help to demonstrate the level of importance those audiences place on advocacy and their interest in those efforts as a function of Campus Compact.

Depending on the level of priority given these efforts through that process, research shows that there are several relatively simple ways advocacy could be supported and encouraged. Unlike other national coalitions, this network would not need to focus significant efforts on training. Directors already consider themselves to be knowledgeable about advocacy laws and techniques. As was indicated in the survey, most directors would find resources and staffing to be most beneficial to their efforts. This may or may not be feasible given other priorities and funding sources, especially given that budget and staffing did not seem to impact lobbying until a high level was reached (more than six staff, budget of over \$1 million). This will not be achievable for most state compacts.

More feasible may be the development of a national agenda that could be customized at the local level. This agenda could then lead into the development of materials to aid in communication with lawmakers and stakeholders as well as regular policy updates. Many directors surveyed agreed that efforts such as those would help to increase their lobbying activity and they could be relatively simple and cost effective to implement. The leadership of experienced directors should also be considered in this process. As the survey found, directors with six or more years experience are the most likely to be engaging in advocacy. These directors can help to encourage the efforts of their less experienced peers and provide support or at least encouragement for advocacy activity.

Implications for Professional Practice

There are several broader audiences for whom this research presents implications, challenges, and ideas for professional practice. The most relevant are the staff of nonprofit organizations (especially executive directors and lobbying staff), nonprofit board members, and national coalitions supporting nonprofit organizations. There are also secondary audiences that could benefit from this information including volunteers, funders, government officials, and community leaders.

Nonprofit staff at all levels should consider their role in impacting public policy in order to serve their cause. Studies show that leadership is critical so the most effective approach often begins with the executive director. Rather than waiting for board leadership, executive directors are more likely to need to start the advocacy conversation. They should keep in mind that board members are not always well versed in the public policy process, so education and training will be key. Directors can also address their own comfort level by seeking training and support. Directors should also seek legal counsel to clarify how to start off on strong legal footing and abide by IRS regulations. Given that direct staffing for lobbying is rare, directors should be prepared to take on many of the activities required and should consider how much time they have to give.

Executive directors are not the only staff members who can play a role in an advocacy strategy. Research shows that a strength nonprofit organizations bring to the policy process is knowledge of the impact of policy implementation on the “front lines.” Using this strength requires organizations to tap their front line staff and include them in policy formation conversations and discussions with policy makers. These staff can also help to mobilize organizational constituencies for grassroots lobbying efforts.

Board members are also key to nonprofit advocacy efforts, yet are unlikely to initiate conversations with staff about these strategies. Even when a board has members who are in elected office, they are not necessarily more likely to feel comfortable broaching these conversations. Board members should consider the organization's goals and push staff to think beyond self-interest and direct service delivery. Board members should also consider how their personal relationships could benefit the organization's lobbying efforts. They may be able to make new connections on behalf of the organization and with little time investment make a strong impact on their goals. Board members are responsible for the allocation of resources and most organizations do not devote resource to advocacy. Boards should engage in conversations about how to appropriately resource advocacy efforts to ensure they will be successful.

Board members, executives, and other staff should all consider the best strategies for implementing an advocacy strategy. Research shows that planning is essential and a few reference in this study offer specific strategies for planning and assessing impact. While advocacy often has long-term goals that are difficult to measure, there are indicators of success that can help organizations determine if they are on the right course and if resources are being deployed effectively. Organizations are most likely to start with self-interest advocacy that places an emphasis on securing funding and policies that impact operations, but it is key that leaders push to take efforts beyond this essential stage and consider how to impact social change.

Other key stakeholders for nonprofit organizations to consider involving are volunteer and client populations. Both of these groups offer different perspectives, relationships, ideas, time, and effort. As mentioned above, nonprofit organizations bring a

policy implementation knowledge that is unique and valuable to leaders. Clients are experiencing social issues firsthand and can offer genuine testimony and passionate appeals. Volunteers care about the organizations cause and have already demonstrated an interest in making a difference. Both groups may lack the language, background information, and experience to get involved effectively, however. It is critical for organizations to prepare and train their constituencies for action and provide them with facts and step-by-step ways to take action.

Social media can be a very effective tool in engaging in the policy process, particularly when considering mobilizing clients and volunteers in grassroots lobbying. Research has shown that even organizations that use social media communications, many do not use it as a call to policy action. Platforms such as Facebook and Twitter present tremendous potential for keeping these constituencies informed and giving them easy ways to take action by making contact with policymakers and leaders.

In order for more nonprofit organizations to get involved in the policy process, it will take more than those within the organizations getting involved. First and foremost, elected leaders and others involved in the policy process should take responsibility for including these key voices in the conversation. This study shows that often nonprofit staff are intimidated by the process and do not know how to get involved. Leaders can invite nonprofit staff and their constituencies to the table, visit their programs, and tap them as a resource for education about policy issues. Research also shows that nonprofit leaders are often confused and misled about the laws regulating their advocacy activity. Elected officials and government leaders should work to clarify these rules and educate

organizations about their opportunities. IRS regulations should be simplified and further explained and leaders should push for this change.

Beyond elected officials, other government employees have a key role to play in nonprofit advocacy as well. A number of studies have demonstrated that government funding can both advance and hinder lobbying activity. There is a mutual reliance between government funders and nonprofit organizations. While they are providing the funding, government agencies are also dependent upon nonprofit organizations to carry out needed responsibilities. Government staff can acknowledge this mutual reliance and invite nonprofits to share feedback about the impact of policy initiatives and engage in the process. These staff can also clarify funding rules and help organizations understand how to incorporate lobbying without misusing government support.

Corporate and foundation funders and individual donors are also important to increasing policy advocacy. Many organizations do not engage because they lack the resources and are inhibited by funding restrictions. Funders can structure grants to allow for and even encourage this activity and make a larger impact. Individual donors can also get involved in grassroots efforts, leverage their connections, and encourage advocacy in their conversations with nonprofit staff. These constituencies in particular are in a powerful position to direct nonprofit activity and influence elected officials and their involvement could be a catalyst.

Finally, research proves that coalitions and other umbrella organizations can be the crucial to success for nonprofit advocacy efforts. These organizations can consider how to boost advocacy efforts even if that is not their primary focus. One of the most significant barriers nonprofits face is a fear of backlash to their advocacy efforts.

Coalitions can help to spread the risk and take some of that pressure off individual organizations. Coalitions can also be used to create economies of scale by sharing in the cost of staffing and other materials. This can also include providing background research and setting an agenda that can be customized at the local level in some cases. The organizations that are most effective at lobbying at the federal level have a presence in Washington, DC, yet this is unattainable for most local nonprofits. Hiring a lobbying professional is also an effective strategy, but again, not within reach for most organizational budgets. Here again, coalitions can serve to pool resources in order to hire help and provide a DC presence.

Nonprofit organizations need not follow one pattern in order to take advantage of coalitions. As the research suggests there are several models including shared ownership, one convening organization, and one independent backbone organization. Organizations can consider which model fits their long- and short-term needs. While formal coalitions can be successful, particularly when organizations have many common issues, there can also be more informal means of collaborating. Organizations can use their natural skills for networking and collaborating to come together even just for more ad hoc collective action around specific issues. This can build on some of the strengths that nonprofit staffs tend to employ in other situations. The research makes it clear that nonprofits seeking to join in and build coalitions for lobbying should focus on strong relationships and setting a clear common agenda from the beginning.

Future Research

Much of the current research focuses on large, DC-based organizations. A small number of studies have been done on nonprofit advocacy in specific cities or states, but

nothing seems to tell the whole story of lobbying in small, local organizations. In particular, more study is needed on the factors that impact lobbying, particularly nonprofit staff attitudes and fears and the impact of government funding on motivations. Additionally, little of the available research is specific to the strategies that nonprofits choose to employ. Specifically, whether they engage clients and other stakeholders in grassroots efforts or prefer more direct, staff-led initiatives. There is also a lack of information available on the purpose of most nonprofit lobbying. It is unclear whether most organizations are engaged only in self-interest lobbying related to their funding and regulation, issue advocacy related to their cause, or a combination of both.

These topics need further research especially in light of decreasing civic engagement in elections and policy-making. The for-profit sector is heavily engaged in advocacy and is represented by more than half of the registered lobbyists in Washington, DC (Baumgartner & Leech, 2001). Well-organized coalition groups often carry out their work. This leaves the poor and marginalized largely unrepresented and nonprofit organizations may be the best fit to represent them. The current state of affairs would suggest that changes in law are not needed as much as education, support, and resources that would help organizations engage in lobbying within their existing legal limits.

Taliaferro and Ruggiano (2013) also suggest that the language used in studies might be impacting results. Given that many leaders and employees showed a lack of comfort with the term “lobbying” they might be underestimating or misrepresenting how much of their activities would actually fall into these categories. Future studies should look at this question more closely and considering asking about specific tactics rather than using specific words.

Conclusion

The barriers to nonprofit participation in the policymaking process are real and significant. Overcoming them will require action on the part of staff, leaders, board members, volunteers, clients, coalitions, elected officials, and funders. This action could not come at a more critical time. The increasingly divisive political arena would benefit from a greater diversity of voices. For social change and equality to be possible, organizations must move beyond the provision of direct services and seek to impact the policy issues that are at the core of the problems we face. Existing research is limited, yet offers a clear path to increase the amount and efficacy of nonprofit lobbying activity.

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